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(8)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRUCE WILLIAMS,

Plaintiff,

-against-

CITY OF NEW YORK and OFFICER JEAN-
LOUIS of the NYPD's 114th Precinct,

Defendants.

BROOKLYN OFFICE
NOT FOR PUBLICATION

MEMORANDUM & ORDER

18-CV-921 (ENV)(JO)

X

VITALIANO, D.J.

On February 9, 2018, *pro se* plaintiff Bruce Williams filed this civil rights action against defendants Alberto Garcia, Police Officer Amadee Jean-Louis, the New York City Police Department, the City of New York, and Richard Brown, the Queens County District Attorney. Compl., Dkt. 1. By Memorandum and Order, dated September 8, 2018, the Court granted plaintiff's request to proceed *in forma pauperis* and dismissed the complaint with leave to amend his false arrest claim against Officer Jean-Louis. *See* Sept. 8, 2018 Mem. & Order, Dkt. 4. On October 17, 2018, Williams filed an amended complaint against the City of New York and Officer Jean-Louis. Am. Compl., Dkt. 5.

With respect to his claims against the City, nothing has changed. The amended complaint is, therefore, dismissed as to the City of New York, for the same reasons set forth in the Court's prior dismissal order. *See* Sept. 8, 2018 Mem. & Order at 7. In short, plaintiff does not allege any specific unlawful conduct which can be attributed to an official municipal custom, policy or practice of the City of New York to establish municipal liability under 42 U.S.C. § 1983. *See Monell v. Dep't of Social Servs. of the City of New York*, 436 U.S. 658, 692, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978); *see also Connick v. Thompson*, 563 U.S. 51, 61, 131 S. Ct.

1350, 179 L. Ed. 2d 417 (2011). Therefore, plaintiff fails to state a claim on which relief may be granted against the City of New York. *See* 28 U.S.C. § 1915(e)(2)(B).

However, the false arrest claim against Officer Jean-Louis shall proceed. Williams was given leave to amend his false arrest claim to describe “(1) the date of plaintiff’s arrest, (2) the name of the officer(s) who arrested him, (3) the exact charge(s) for which he was arrested, and (4) whether the case is ongoing or has been dismissed.” Sept. 8, 2018 Mem. & Order at 8. In his amended complaint, he alleges that, on November 10, 2015, Officer Jean-Louis arrested him “to get revenge”, justifying the arrest by making false statements under oath, and that the arrest is associated with docket number 2015QN055893 in Queens County. Am. Compl. at 8-9. Although Williams has not named the charge against him and the status of the case, his provision of the relevant docket number for the charge preferred against him gives sufficient notice to substitute for this information in light of the solicitude accorded *pro se* litigants. *See Hill v. Curcione*, 657 F.3d 116, 122 (2d Cir. 2011).

Conclusion

Accordingly, plaintiff’s claims against the City of New York are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B); no summons shall issue as to that defendant. The amended complaint shall proceed solely as to Officer Jean-Louis as set forth above.

The Clerk of Court is directed to issue a summons against Officer Jean-Louis. The United States Marshal Service is directed to serve the summons and amended complaint on Officer Jean-Louis without prepayment of fees. The Clerk of Court is further directed to mail a copy of this order, the summons, and the amended complaint to Corporation Counsel for the City of New York, Special Federal Litigation Division, and to mail a copy of this order to *pro se* plaintiff.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

This matter is respectfully referred to the Honorable James Orenstein, United States Magistrate Judge, for pretrial supervision.

So Ordered.

Dated: Brooklyn, New York

November 16, 2018

/s/ USDJ ERIC N. VITALIANO

ERIC N. VITALIANO

United States District Judge